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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,815	03/09/2001	Masahito Yamamoto	862.C2144	5395
5514	7590	01/03/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,815

Applicant(s)

YAMAMOTO, MASAHIITO

Examiner

Thierry L Pham

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 46-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is a computer related invention. The Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office describe the procedures for examining such inventions. The first step is to determine whether the invention as defined by the claims falls within one of the three following categories of unpatentable subject matter: (1) Functional descriptive material such as a data structure *per se* or a computer program *per se*, (2) Non-functional descriptive material such as music, literary works or pure data, embodied on a computer readable medium; or (3) A natural phenomenon such as energy or magnetism. The invention as defined by the claims is not a natural phenomenon or pure data, however, it is a computer program *per se*, which does not mount/store on any computer-readable medium; therefore, these claims are rejected for non-statutory basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al (EP 975145).

Regarding claim 1, Yamamoto discloses an image input/output control device (server 5, fig. 1) for executing image input/output processing on the basis of information (device profile, fig. 7) that describes a combination of a plurality of devices (plurality of input/output devices, fig. 1 and fig. 8) and information that describes characteristics (transfer path profile, fig. 10, col. 13, lines 45-60) of transfer control between the devices, comprising:

- (1) transfer information acquisition means (server 5 for acquiring transfer path profile, fig. 10, cols. 14-16) for acquiring the transfer information;
- (2) operation means (user control console, figs. 8-13, cols. 13-16) for causing a user to select a desired transfer path from the acquired transfer information;
- (3) reception means (receiving input data from scanner via network, fig. 1, cols. 13-16) for receiving image data by controlling an input device represented by the selected transfer information on the basis of the selected transfer information; and
- (4) transmission means (transmitting the image data from scanner to printer via network, fig. 1, cols. 13-16) for transmitting the received image data to an output device (laser printer, fig. 1 and fig. 4) represented by the selected transfer information (based upon transfer path profile, i.e., "copy scan 5 to LP5-3", fig. 10) on the basis of the selected transfer information.

Regarding claim 2, Yamamoto further discloses the device according to claim 1, wherein said reception means transmits the selected transfer information (transfer path profile, fig. 10) to the input device in order to control the input device, and said transmission means (network, fig. 1) transmits the selected transfer information to the input device in order to control the output device.

Regarding claim 3, Yamamoto further discloses the device according to claim 1, further comprising announcement means (confirmation means, figs. 8-14, cols. 13-16) for announcing, to a network, device information (device information, fig. 7) containing information representing that said reception means controls the input device as an active device (devices that are available

to communicate and transfer data, fig. 9) and information representing that said transmission means controls the output device as an active device.

Regarding claim 4, Yamamoto further discloses the device according to claim 1, wherein the transfer information contains a protocol (transfer protocol, fig. 10) used to transfer the data, a data format (data format, fig. 10) of the data to be transferred, and an address (network address, fig. 10) representing a destination to which the data is to be transferred (fig. 10).

Regarding claim 5, Yamamoto further discloses an image input/output (server 5, fig. 1) control device for executing image input/output processing on the basis of information that describes a combination of a plurality of devices and information that describes characteristics of transfer control between the devices, comprising: operation means (user control console (keyboard 33, fig. 5) for selecting input/output devices, figs. 8-13, cols. 13-16) for causing a user to select a desired transfer path; acquisition means (server 5 for acquiring transfer path profile, fig. 10, cols. 14-16) for acquiring transfer information corresponding to the selected transfer path; input means (scanner, fig. 1) for inputting image data on the basis of the acquired transfer information; and transmission means (network, fig. 1) for transmitting the input image data (transferring data from scanner 5 to printer 3 as shown in transfer path profile #2, fig. 10) to an external device represented by the acquired transfer information on the basis of the acquired transfer information.

Regarding claim 6, Yamamoto further discloses the device according to claim 5, wherein said transmission means transmits the input image data to a proxy device (file server, fig. 1, cols. 13-16) represented by the acquired transfer information, and said proxy device transfers the received image data to an output device represented by the acquired transfer information (transferring data based upon transfer path profile s shown in fig. 10) in accordance with a request from the output device.

Regarding claim 7, the device according to claim 5, wherein said transmission means transmits the input image data to a proxy device represented by the acquired transfer

information, and said proxy device (server, fig. 1, cols. 13-16) transfers the received image data by controlling an output device represented by the acquired transfer information in accordance with the acquired transfer information.

Regarding claim 8, Yamamoto further discloses the device according to claim 5, wherein said transmission means transmits the acquired transfer information to the external device (i.e., printer, fig. 1).

Regarding claim 9, Yamamoto further discloses the device according to claim 5, wherein the transfer information contains a protocol (protocol, fig. 10) used to transfer the data, a data format of the data to be transferred (data format, fig. 10), and an address (address, fig. 10) representing a destination to which the data is to be transferred (transfer path profile, fig. 10).

Regarding claim 10, Yamamoto further discloses an image input/output control (server 5, fig. 1) device for executing image input/output processing on the basis of transfer information containing information that describes a transfer destination of image data and information that describes a data format of the image data to be transferred, comprising: acquisition means (server 5 for acquiring transfer path profile, fig. 10, cols. 14-16) for acquiring the transfer information; reception means (receiving input data from scanner via network, fig. 1, cols. 13-16) for receiving the image data from a first external device through a network; conversion means (converting to PDL format, col. 28, lines 5-13) for converting the received image data into a data format represented by the acquired transfer information; and transmission means (transmitting the image data from scanner to printer via network, fig. 1, cols. 13-16) for transmitting the converted image data to the transfer destination represented by the acquired transfer information.

Regarding claim 11, Yamamoto further discloses the device according to claim 10, further comprising announcement means (confirmation means, figs. 8-14, cols. 13-16) for announcing, to the network, information representing a data format receivable by said reception means and information representing a data format transmittable by said transmission means.

Regarding claim 12, Yamamoto further disclose the device according to claim 10, wherein said conversion means performs at least one of conversion of the data format (i.e. lipsiv data format, fig. 10 and fig. 23), conversion of an image resolution, and conversion of an image depth (fig. 10).

Regarding claim 13, Yamamoto further discloses the device according to claim 10, wherein said conversion means performs at least one of image trimming, image enlargement, image reduction, image deformation, image edge extraction, and image color conversion (converting image data into specified resolution, figs. 23-24).

Regarding claim 14, Yamamoto further discloses The device according to claim 10, wherein said conversion means performs at least one of conversion of the image data to coded data by encoding processing such as character recognition, conversion of the image data to a structured image format by image region separation processing and encoding processing, and conversion of coded data to the image data by rasterization image processing (rasterization, col. 21).

Regarding claim 15, Yamamoto further discloses the device according to claim 10, wherein said conversion means performs conversion of a data compression scheme (JPEG compression, figs. 23-25) or conversion of a data compression ratio.

Regarding claims 16-30: Claims 16-30 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 1-15; therefore, claims 16-30 are rejected for the same rejection rationale/basis as described in claims 1-15 above.

Regarding claims 31-48: Claims 31-48 corresponds to claims 1-15 except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers/printers have some type of computer readable memory medium (RAM, fig. 5) for storing computer programs, hence claims 31-48 would be rejected using the same rationale as in claims 1-15.

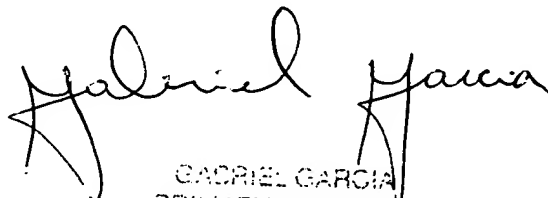
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER